

REMARKS/ARGUMENTS

The Examiner indicated that sheet 1 of 1 of an Information Disclosure Statement submitted by the Applicant on April 1, 2005 was illegible due to unsatisfactory facsimile transmission. Applicant will submit a Supplemental Information Disclosure Statement to correct this deficiency.

Disposition of Claims in the Action

Claims 1, 3, 4, 7-10, and 15 were rejected in the Action.

Claims 2, 5-6, 11-14, and 16-45 were objected to for dependence on a rejected base claim, but would be allowable if presented in independent form.

Claims 46-87 were withdrawn in Applicant's amendment of October 19, 2005. By the present amendment, claims 46-87 are cancelled without prejudice or disclaimer.

Remarks re Allowable Subject Matter

Applicant submits that by the present amendment, claims 2, 5, 16, 22, 31, and 36 have been rewritten in independent form, and now recite in independent form subject-matter deemed allowable if in independent form, and that claims 2, 5, 16, 22, 31, and 36 are therefore allowable.

Claim 6 has been amended to depend from claim 5.

Claims 17-21, and 35 depend directly or indirectly from amended claim 16.

Claims 23-30 depend directly or indirectly from amended claim 22.

Claims 32-34 depend directly or indirectly from amended claim 31.

Claims 37-45 depend directly or indirectly from amended claim 36.

Applicant submits that in view of the above, each of dependent claims 6, 17-21, 23-30, 32-35, and 37-45 depend from an allowable base claim, and is therefore allowable.

Remarks re 35 USC 102(b) Rejections

The Examiner rejected claims 1, 3-4, 9, and 15 as anticipated by U.S. Pat. No. 5, 374, 138 (Byles).

Claims 1 and 15 are cancelled without prejudice or disclaimer.

Claims 3 and 4 have been amended to depend from amended claim 2. Applicant submits that claims 3 and 4 are allowable in that they depend from an allowable base claim (as explained above).

Claim 9 has been re-written in independent form and includes a limitation that the hollow fibers have an outside diameter of 500 microns or less, to limit the claim to "fine" fibers, as supported by the specification at, for example, paragraph [0048]. Applicant submits that claimed hollow fibers of amended claim 9 are distinguished over the hollow conduit of U.S. Pat. No. 5,374,138 (Byles), and that the Byles reference does not anticipate claim 9 as amended. Applicant submits that amended claim 9 is allowable.

Claims 10-14 depend directly or indirectly from claim 9, and applicant submits that claims 10-14 are therefore allowable in that they depend from an allowable base claim (as argued above).

Remarks re 35 USC 103(a) Rejections

The Examiner rejected claims 7-8 and 10 as being obvious in view of U.S. Pat. No. 5,374,138 (Byles).

Applicant submits that amended claim 7 and claim 8 depend from amended claim 2, and that claim 2 is allowable (as argued above) so that claims 7 and 8 are allowable in that they depend from an allowable base claim.

Applicant submits that claim 10 depends from amended claim 9, and that claim 9 is allowable (as argued above) so that claim 10 is allowable in that it depends from an allowable base claim.

Furthermore, Applicant respectfully traverses the obviousness rejection on the basis that the Byles reference is nonanalogous art with respect to the present invention at least as claimed in claims 7, 8 and 10 (see MPEP 2141.01(a)). Applicant additionally submits that the objection does not satisfy the teaching-suggestion-motivation test (see for example, *Teleflex Inc. v. KSR Intern Co.*, No. 04-1152, 119 Fed. Appx. 282, Fed. Cir. Jan. 6, 2005), and that there is insufficient evidence on the record to establish a *prima facie* case of obviousness. Applicant further submits that to the extent that the Office Action relies on the knowledge or opinions of the Examiner, such knowledge or opinions is not evidence capable of supporting the rejections (*In re Beasley*, No. 04-1225, 117 Fed. Appx. 739, Fed. Cir. Dec. 7, 2004).

Remarks re 35 USC 112 Rejections

The Examiner rejected claims 3 and 4 under 35 USC 112, 2nd paragraph, stating that it is unclear what the basis for 100% area is. The Examiner suggested that the phrase "of the cross-sectional area of the hollow fiber" be added after each occurrence of "%" in each claim to overcome this objection. Claims 3 and 4 have been amended as

suggested. Applicant submits this amendment is supported by the specification, for example, at paragraph [0050].

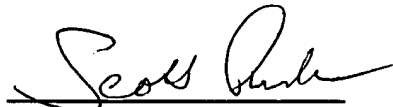
The Examiner rejected claims 12 and 13 under 35 USC 112, 2nd paragraph, stating that neither of claims 1 or 9 provided antecedent basis for the term "the group". Amended claim 9 recites "two or more groups of fibers", which provides proper antecedent basis for the terms "at least one of the groups of fibers" recited in amended claims 12 and 13.

Applicant submits that in view of the above, claims 3, 4, 12, and 13 comply with 35 USC 112, 2nd paragraph.

Applicant submits that the present application is now in condition for allowance.

Respectfully submitted,

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